

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Feather River Organics Composting Facility
SWIS No. 58-AA-0015
October 18, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Yuba-Sutter County's Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a revised Solid Waste Facilities Permit (SWFP) for the Feather River Organics (FRO) Composting Facility, SWIS No. 58-AA-0015, located in Yuba County and owned by Recology and operated by Recology Yuba Sutter. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received by CalRecycle staff on September 12, 2012. A new proposed permit was received on October 17, 2012. Action must be taken on this permit no later than December 16, 2012. If no action is taken by December 16, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2008)	Proposed Permit
Operator	Yuba Sutter Disposal, Inc.	Recology Feather River Organics
Owner	Yuba Sutter Disposal, Inc.	Recology Yuba-Sutter
Permitted Operation	Composting Facility (Green Material) and Chip and Grind	Compostable Materials Handling Facility

Key Issues

The proposed permit will allow for the following:

1. Acceptance of food waste in their solid waste facility permit.
2. A change in operator name from Yuba Sutter Disposal, Inc. to Recology Feather River Organics and a change in owner name from Yuba Sutter Disposal, Inc. to Recology Yuba-Sutter. In 2009, Recology purchased Yuba Sutter Disposal but did not pursue a change in owner/operator name at that time.

Background

Feather River Organics is located on top of the closed LF-1 module of the closed Recology Yuba-Sutter (RYS) Landfill, a.k.a. Yuba Sutter Disposal (SWIS #58-AA-0005). RYS LF-1 also includes the transfer/processing operation, metal yard, shop, truck wash, etc. Feather River Organics has operated a demonstration food waste research project under a notification and a separate SWIS number for the last two years.

Findings:

Staff recommends concurrence in the issuance of the revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated September 10, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The current permit was issued on August 4, 2008; therefore a Five Year Permit Review Report is not yet due.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on September 12, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on September 12, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated September 26, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 25, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on September 12, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on August 9, 2012. No written comments were received by LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on September 25, 2012, and found the facility in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- January 2009 – September 2012 - No violations noted.
- 2008 - One violation of 27 CCR Section 17868.5 (b) Physical Contaminations
- 2007 –One violation of PRC 44014 (b) Operator Complies with Terms and Conditions

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Marysville, Marysville Planning Commission, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: allowing food waste as a permitted feedstock. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2012042038, was circulated for a 30 day comment period April 18, 2012 to May 17, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring

Program, was approved by the Lead Agency on July 25, 2012. The Yuba-Sutter Local Enforcement Agency (LEA) has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new/modified/revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on August 9, 2012 at 5:30 pm at Recology Yuba-Sutter, 3001 N. Levee Road in the City of Marysville. There were no members of the public in attendance. No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 18, 2012 and October 16, 2012.